

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Nos. 23-3072, 23-3073, 23-3076 & 23-3077

**UNITED STATES OF AMERICA,
Appellee,**

v.

**DARIN MOORE, GABRIEL BROWN,
JOHN SWEENEY & JAMES TAYLOR
Appellants.**

**CONSENT MOTION TO MODIFY BRIEFING SCHEDULE AND
EXTEND THE TIME TO FILE
THE OPENING BRIEF AND APPENDIX**

Appellants Darin C. Moore, Jr. (23-3072), Gabriel Brown (23-3073), John Sweeney (23-3076) and James Taylor (23-3077), by undersigned counsel for Mr. Brown, hereby respectfully move with the consent of counsel for Appellee, the United States to modify the Briefing Schedule entered by the Court on May 29, 2024, to extend the time for filing the Appellant's Opening Brief and Appendix to October 28, 2024, with a corresponding extension for the Appellee's Response and Appellants' Reply Brief.

1. This case involves an appeal of a 4-defendant, multi-count trial that lasted more than one month from jury selection to verdict. The appellants were all sentenced to terms of imprisonment of life without parole.

2. The evidence at trial included several forensic experts as well as multiple fact witnesses.

3. There are multiple complex issues that need to be raised on appeal.

4. Although the Scheduling Order was entered based on a joint proposal, it has now become evident to appellants' counsel that additional time will be necessary due to the complexity of the issues and potential new issues that may be raised.

5. In addition, the press of other cases being handled by counsel, as well as vacation schedules have caused counsel to conclude that additional time is required to complete the work necessary to file the opening brief. In particular, several of the Appellants' counsel have petitions for certiorari and motions for rehearing en banc due in other cases during this time, which were not previously anticipated. As well, undersigned counsel is preparing for a multi-defendant jury trial that had previously appeared likely to be resolved without trial, with defendants who are detained pretrial so that a continuance is not possible. Some of the other appellate counsel are in similar situation with respect to their caseloads.¹

¹ If the Court requires additional details, counsel are prepared to provide it as requested.

6. The appellants in the instant case are all serving sentences of life without parole so that the additional short extension requested herein will not prejudice the parties.

7. Counsel for Appellee, Scott A.C. Meisler, Department of Justice, Criminal Division, Appellate Section consents to this request.

8. Counsel for the other Appellants have authorized undersigned counsel to file the instant motion on their behalf.

9. For these reasons, despite due diligence, appellants' counsel respectfully request additional time to complete the necessary work to research and file the Opening Brief and Appendix in the instant case.

WHEREFORE, Appellants, through undersigned counsel who is authorized to file on behalf of all appellants' counsel, respectfully request an extension to October 28, 2024 to file the Opening Brief and Appendix, with a corresponding extension of the dates for the filing of the Government's Response and the Appellants' Reply.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served via ECF on all counsel of record this 30th day June, 2024.

/s/ Carmen D. Hernandez

Carmen D. Hernandez

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify, based on the word-counting function of my word processing system (Word Perfect version X4), that this Motion complies with the type-volume limitations of Fed. R. App. P. 27(d)(2)(A) in that the motion was prepared monospaced format (Times New Roman, font size 14) and contains 473 words, excluding the parts of the Motion exempted by Fed. R. App. P. 32(f).

Respectfully submitted,

/s/ Carmen D. Hernandez

Carmen D. Hernandez

Dated: June 30, 2024.